

Remarks

Claims 1-42 are pending in this application. In the last office action the examiner has rejected all of the claims under §103 (a) as being unpatentably obvious over U.S. Patent No. 5,953,503 issued to Mitzenmacher.

We believe the claims as they existed were allowable over Mitzenmacher, but have amended them to make their nonobviousness more clear. More specifically, claims 1 and 21 have been modified to highlight that the tables used in converting the markup tags to tokens are markup specific – in that they substantially include only markup-tag translations – not the text.

By parsing the markup tags from the content characters and using a markup-specific table, compression efficiency has been dramatically increased. This is because there is tremendous redundancy in the markup content. Applicant's recognized this and developed the claimed process.

Mitzenmacher does not disclose the claimed invention nor make it obvious. Mitzenmacher instead discloses the conventional and widely used general purpose dictionary compression techniques. These processes have to exhaustively analyze all of the data to be transmitted in order to optimize the choice of tags and their relative redundancies. Referring to the passages identified by the Examiner, Mitzenmacher discusses the conventional Huffman approach in which “[b]it patterns which occur frequently are then substituted with short codes, and less frequently-occurring patterns are translated into longer codes, or perhaps not at all.” Col. 1, lines 32-36. This is step, in which all the data is analyzed is a significant processing burden because every item must be considered in terms of redundancy.

The claimed process lifts a significant portion of this burden. Applicants have recognized that markup tags are inherently redundant and, thus, can be separately managed without undue analysis. By parsing the markup tags from the onset and separately treating them using a markup-specific lookup table processing quagmires resulting from execution of the prior art methods – like those disclosed in Mitzenmacher – are avoided.

But these processing-cost advantages are not the only benefits afforded by the claimed processes. Another advantage is that the compressor (e.g., server or other compressing computing system) does not have to have the entire text prepared before it is encoded using the claimed system because it does not have to analyze the text as a whole to prepare a dictionary to make translations. Thus, compressed data may be transmitted even as plain text is still being generated. This provides the advantages of saving temporary storage space, processing resources, and decreases communications latency.

Though the Office Action does point to portions of Mitzenmacher, none of these portions discloses the present or past claimed inventions. These portions also fail to specify any motivation to make modifications which would obviate the present or former claims in this application. This flies in the face of the legal requirement that the Examiner provide objective evidence in support of his obviousness findings. It is fundamental that rejections be based on evidence in the record. *In re Grasselli*, 713 F.2d 731, 739, 218 USPQ 769, 775 (Fed. Cir. 1983). To support such a rejection, the examiner must reveal evidence in the references showing the teachings relied on. *See, e.g., McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001). This factual inquiry must be thorough, and may not be based on mere unsupported statements or conclusions. *See Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000); *C.R.*

Bard, Inc., v. M3 Systems, Inc., 157 F.3d 1340, 1352, 48 USPQ2d 1225, 1232 (Fed. Cir. 1998); *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999); and *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998). The showing must also be specific. *See, e.g., In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) (“particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed”); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998) (the USPTO must identify specifically the principle, known to one of ordinary skill, that suggests the claimed invention). The examiner has failed to produce any objective evidence showing that one skilled in the art looking at Mitzenmacher would be motivated to separately parse and then, using a markup-specific table, convert the tags to tokens (symbols) independent of content tokenization as claimed herein. Therefore, we request that the examiner’s Mitzenmacher-based § 103 rejections be withdrawn.

If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action.

Respectfully submitted,



Marshall S. Honeyman
Reg. No. 48,114

MSH/tjd

SHOOK, HARDY, & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64018-2613
816/474-6550

THE COMMISSIONER IS HEREBY AUTHORIZED TO
CHARGE ANY ADDITIONAL AMOUNT REQUIRED,
OR CREDIT ANY OVERPAYMENT, TO ACCOUNT
NO. 19-2112.